

**THURSDAY, APRIL 29, 2004**  
**EIGHTY-FIFTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 10:30 a.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Pastor Fred Bueto of First Baptist Church in McMinnville, Tennessee, a guest of Senator Cooper.

**PLEDGE OF ALLEGIANCE**

Senator Ford led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

**COMMUNICATION**

**MEMORANDUM**

TO: Lt. Governor John Wilder

FROM: Senator Roscoe Dixon

DATE: April 17, 2004

RE: Excused From Session

I am requesting permission to be excused from Session for Thursday, April 29, 2004 because I will be attending the NCSL Immunization Roundtable and Spring Forum.

Your consideration to this matter will be greatly appreciated.

APPROVED: Lieutenant Governor  
John S. Wilder

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1340 with amendment, 2185, 2346, 2365 with amendment, 2409, 2415, 2696, 3043, 3198, 3202, 3245, 3392 and 3394.

HENRY, Chairperson  
April 27, 2004

The Speaker announced that he had referred Senate Bills Nos. 1340 with amendment, 2185, 2346, 2365 with amendment, 2409, 2415, 2696, 3043, 3198, 3202, 3245, 3392 and 3394 to Committee on Calendar.

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 990 with amendment, 1885, 2594, 2638 with amendment, 2644 with amendment, 2726 with amendment, 3112 and 3281 with amendment; and House Joint Resolutions Nos. 816, 958, 966, 1026, 1045 and 1071; also, recommend that Senate Bills Nos. 2794 and 3296 be referred to Committee on Finance, Ways and Means.

COHEN, Chairperson  
April 27, 2004

The Speaker announced that he had referred Senate Bills Nos. 990 with amendment, 1885, 2594, 2638 with amendment, 2644 with amendment, 2726 with amendment, 3112 and 3281 with amendment; and House Joint Resolutions Nos. 816, 958, 966, 1026, 1045 and 1071 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2794 and 3296 to Committee on Finance, Ways and Means.

**JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 135 with amendment, 1042 with amendment, 2658 with amendment, 2900 with amendments, 2910 with amendment, 3181 with amendment, 3372 and 3399; also, recommend that Senate Bills Nos. 2290, 3148 and 3159 with amendment be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson  
April 27, 2004

The Speaker announced that he had referred Senate Bills Nos. 135 with amendment, 1042 with amendment, 2658 with amendment, 2900 with amendments, 2910 with amendment, 3181 with amendment, 3372 and 3399 to Committee on Calendar.

## **THURSDAY, APRIL 29, 2004 -- 85TH LEGISLATIVE DAY**

The Speaker announced that he had referred Senate Bills Nos. 2290, 3148 and 3159 with amendment to Committee on Finance, Ways and Means.

### **EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1550 with amendment, 2122 with amendment, 2474 with amendment, 2743 with amendment, 2859 and 3073 with amendment; and Senate Joint Resolutions Nos. 685 with amendment, 686 with amendment, 695 with amendment and 734; also, recommend that Senate Bills Nos. 2254 with amendment and 3435 with amendment be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson  
April 28, 2004

The Speaker announced that he had referred Senate Bills Nos. 1550 with amendment, 2122 with amendment, 2474 with amendment, 2743 with amendment, 2859 and 3073 with amendment; and Senate Joint Resolutions Nos. 685 with amendment, 686 with amendment, 695 with amendment and 734 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2254 with amendment and 3435 with amendment to Committee on Finance, Ways and Means.

### **GENERAL WELFARE, HEALTH AND HUMAN RESOURCES**

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 555 with amendment, 823 with amendment, 827 with amendments, 1152, 2307 with amendment, 2423 with amendments, 2622 with amendment, 2624, 2854 with amendments, 2879 with amendment, 3022 with amendment and 3026 with amendment; also, recommend that Senate Bills Nos. 502, 2520 and 2871 be referred to Committee on Finance, Ways and Means.

FORD, Chairperson  
April 28, 2004

The Speaker announced that he had referred Senate Bills Nos. 555 with amendment, 823 with amendment, 827 with amendments, 1152, 2307 with amendment, 2423 with amendments, 2622 with amendment, 2624, 2854 with amendments, 2879 with amendment, 3022 with amendment and 3026 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 502, 2520 and 2871 to Committee on Finance, Ways and Means.

### **TRANSPORTATION**

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2213, 2278 and 2628; and House Joint Resolutions Nos. 625, 837, 870, 926, 930 and 957; also, recommend that Senate Bills Nos. 3323 and 3430; and Senate Joint Resolution No. 975 be referred to Committee on Finance, Ways and Means.

WILLIAMS, Chairperson  
April 28, 2004

## THURSDAY, APRIL 29, 2004 -- 85TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Bills Nos. 2213, 2278 and 2628; and House Joint Resolutions Nos. 625, 837, 870, 926, 930 and 957 to Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3323 and 3430; and Senate Joint Resolution No. 975 to Committee on Finance, Ways and Means.

### FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 539 with amendment, 1600 with amendment, 2078 with amendments, 2089 with amendment, 2152 with amendment, 2293, 2612, 2659 with amendment, 2711 with amendment, 2739 with amendment, 2844, 2860 with amendment, 2878, 2885 with amendments, 2982 with amendment, 3101 with amendment, 3158, 3256 with amendments, 3257, 3328 with amendment, 3427 with amendment, 3429 with amendment and 3457 with amendment; and Senate Resolution No. 158 with amendment; also, recommend that Senate Bill No. 3364 be referred to Committee on Judiciary.

HENRY, Chairperson  
April 28, 2004

The Speaker announced that he had referred Senate Bills Nos. 539 with amendment, 1600 with amendment, 2078 with amendments, 2089 with amendment, 2152 with amendment, 2293, 2612, 2659 with amendment, 2711 with amendment, 2739 with amendment, 2844, 2860 with amendment, 2878, 2885 with amendments, 2982 with amendment, 3101 with amendment, 3158, 3256 with amendments, 3257, 3328 with amendment, 3427 with amendment, 3429 with amendment and 3457 with amendment; and Senate Resolution No. 158 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 3364 to Committee on Judiciary.

### MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

### PRESENTATION

Senator Henry presented **Senate Joint Resolution No. 993** to Frances Williams Preston, President and CEO of Broadcast Music, Incorporated (BMI).

### INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 3503** by Senator Crowe.

Washington County -- Subject to local approval, allows certain fire departments to sell fireworks on a limited basis in Washington County.

**Senate Bill No. 3504** by Senator Clabough.

Gatlinburg -- Subject to local approval, revises charter. Amends Chapter 84 of the Private Acts of 1945.

**Senate Bill No. 3505** by Senator Herron.

Decatur County -- Subject to local approval, establishes \$30.00 wheel tax.

**Senate Bill No. 3506** by Senator Cohen.

Shelby County -- Subject to local approval, exempts persons directly involved with a film or video production that has received assistance from the Memphis and Shelby County Film and Television Commission from the privilege tax upon hotel occupancy in Shelby County, provided that the same have maintained occupancy for 30 continuous days. Amends Chapter 131 of the Private Acts of 1969; as amended.

**Senate Bill No. 3507** by Senator Cooper.

Dunlap -- Subject to local approval, deletes requirements from City Charter that public works or improvements costing more than \$1,500 be executed by contract, and that all contracts over \$500 be publicly bid and bonded unless undertaken by city employees. Amends Chapter 396 of the Private Acts of 1941.

**Senate Bill No. 3508** by Senator Person.

Shelby County -- Subject to local approval, authorizes the Divorce Referee to designate other individuals to accept, in the Referee's name, process served upon the Referee. Amends Chapter 161 of the Private Acts of 1973; as amended.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 1219** -- Law Enforcement -- Makes it misdemeanor to file false allegations of misconduct against police officer or to file civil claim with intent to harass or dissuade officer from carrying out such officer's official duties; requires law enforcement agency to have complainant read and sign certain advisory. Amends TCA Title 39, Chapter 16, Part 6.

**House Bill No. 2327** -- Water -- Establishes the Tennessee Water Resource Development Agency, and a revolving fund for rural water supply. Amends TCA Title 68, Chapter 221.

**House Bill No. 2612** -- Firefighters -- Enacts the "Good Samaritan Volunteer Firefighters' Assistance Act". Amends TCA Title 29, Chapter 34, Part 2.

**House Bill No. 3203** -- Sewage -- Revises requirements for advanced treatment system pilot project study to require that duplicate area on lots where ATS is installed meets requirements for an alternative system area, or a conventional system as required by present law. Amends TCA Section 68-221-415; Section 68-221-416 and Section 68-221-417.

**House Bill No. 3501** -- Fire Prevention and Investigation -- Grants immunity from civil liability to local fire officials and departments reporting information relative to fires of suspicious origin to commissioner, provided that such person or entity acted in good faith and without malice in providing such information. Amends TCA Section 68-102-111.

**House Bill No. 3510** -- Education, State Board of -- Requires state board of education review committee for BEP to conduct annual assessment of instructional salaries in each local education agency and prepare analysis of grand total salary disparity, including percentage

difference between bottom quartile and top quartile of school systems based on grand total salary. Amends TCA Title 49.

**House Bill No. 3524** -- Education, Higher -- Requires that person seeking baccalaureate degree earn credit in American history consisting of nine semester hours or 12 quarter hours instead of six semester hours or nine quarter hours. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8; and Title 49, Chapter 9.

**House Bill No. 3593** -- Spencer -- Subject to local approval, rewrites charter. Amends Chapter 179 of the Private Acts of 1923; as amended.

### **SENATE BILL ON SECOND CONSIDERATION**

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee:

**Senate Bill No. 3502** held on desk.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 1031** by Senator Trail.  
Memorials, Recognition -- Judge J.S. Daniel.

**Senate Joint Resolution No. 1032** by Senator Clabough.  
Memorials, Academic Achievement -- Ross Ogle, Salutatorian, Pigeon Forge High School.

**Senate Joint Resolution No. 1033** by Senator Clabough.  
Memorials, Academic Achievement -- Lori Adams, Valedictorian, Seymour High School.

**Senate Joint Resolution No. 1034** by Senator Clabough.  
Memorials, Academic Achievement -- Lauren Elizabeth Sipe, Valedictorian, Alcoa High School.

**Senate Joint Resolution No. 1035** by Senator Clabough.  
Memorials, Academic Achievement -- Rachel Diehl Unger, Salutatorian, Alcoa High School.

**Senate Joint Resolution No. 1036** by Senator Clabough.  
Memorials, Academic Achievement -- Jocelyn Price, Valedictorian, Pigeon Forge High School.

**Senate Joint Resolution No. 1037** by Senator McLeary.  
Memorials, Professional Achievement -- Willie Mae Cox Wilson, Tennessee Teachers Hall of Fame.

**Senate Joint Resolution No. 1038** by Senator Clabough.  
Memorials, Academic Achievement -- Betsy Camille Rhea, Valedictorian, Gatlinburg-Pittman High School.

**Senate Joint Resolution No. 1039** by Senator Clabough.  
Memorials, Academic Achievement -- Mari Bales, Salutatorian, Gatlinburg-Pittman High School.

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**Senate Joint Resolution No. 1040** by Senator Cooper.

Memorials, Academic Achievement -- Dustin Isaiah Ruehling, Valedictorian, Grundy County High School.

**Senate Joint Resolution No. 1041** by Senator Graves.

Memorials, Death -- Ernest Pellegrin.

**Senate Joint Resolution No. 1042** by Senator Graves.

Memorials, Professional Achievement -- Electrolux Home Products, Springfield/Robertson County Chamber of Commerce Business of the Year.

**Senate Joint Resolution No. 1043** by Senator Graves.

Memorials, Sports -- Gerlonda Hardin.

**Senate Joint Resolution No. 1044** by Senator Graves.

Memorials, Public Service -- David Fiser, Springfield/Robertson County Chamber of Commerce Volunteer of the Year.

**Senate Joint Resolution No. 1045** by Senator Clabough.

Memorials, Academic Achievement -- Shannon Acree, Valedictorian, Seymour High School.

**Senate Joint Resolution No. 1046** by Senator Clabough.

Memorials, Academic Achievement -- Michael Earl May, Jr., Valedictorian, Gatlinburg-Pittman High School.

**Senate Joint Resolution No. 1047** by Senator Clabough.

Memorials, Academic Achievement -- Andrea Baxley, Valedictorian, Seymour High School.

**Senate Joint Resolution No. 1048** by Senator Clabough.

Memorials, Academic Achievement -- Jessica Peterson, Valedictorian, Seymour High School.

**Senate Joint Resolution No. 1049** by Senator Clabough.

Memorials, Academic Achievement -- Shelly Childress, Salutatorian, Seymour High School.

**Senate Joint Resolution No. 1050** by Senator Graves.

Memorials, Academic Achievement -- Mary Buck, Co-Valedictorian, College Heights Christian Academy.

**Senate Joint Resolution No. 1051** by Senator Graves.

Memorials, Academic Achievement -- Rachel Mercer, Salutatorian, College Heights Christian Academy.

**Senate Joint Resolution No. 1052** by Senator Graves.

Memorials, Academic Achievement -- Katy Gann, Co-Valedictorian, College Heights Christian Academy.

**Senate Joint Resolution No. 1053** by Senator Clabough.

Memorials, Academic Achievement -- Brett Koerten, Valedictorian, Sevier County High School.

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**Senate Joint Resolution No. 1054** by Senator Clabough.

Memorials, Academic Achievement -- Amber Elaine Reagan, Salutatorian, Sevier County High School.

**Senate Joint Resolution No. 1055** by Senator Clabough.

Memorials, Academic Achievement -- Whitney Marie Latham, Valedictorian, Sevier County High School.

**Senate Joint Resolution No. 1056** by Senator Clabough.

Memorials, Academic Achievement -- Justin Shults, Valedictorian, Gatlinburg-Pittman High School.

**Senate Joint Resolution No. 1057** by Senator Clabough.

Memorials, Academic Achievement -- Danielle Sheirling, Valedictorian, Sevier County High School.

**Senate Joint Resolution No. 1058** by Senator Clabough.

Memorials, Academic Achievement -- Sean Toomey, Valedictorian, Gatlinburg-Pittman High School.

**Senate Joint Resolution No. 1059** by Senator Clabough.

Memorials, Academic Achievement -- Shannon Petrie, Valedictorian, Seymour High School.

**Senate Joint Resolution No. 1060** by Senator Clabough.

Memorials, Academic Achievement -- Kunal Jardosh, Valedictorian, Gatlinburg-Pittman High School.

**Senate Joint Resolution No. 1061** by Senator Person.

Memorials, Interns -- Ron Forbus.

**Senate Joint Resolution No. 1062** by Senator Ramsey.

Highway Signs -- Directs Department of Transportation to include City of Bristol as destination on existing signage for Exit 69 (S.R. 394) on I-81 in Sullivan County and to erect new sign bearing language "Bristol Next 6 Interchanges" at appropriate location between Exit 66 and Exit 69 on I-81 northbound.

**Senate Joint Resolution No. 1063** by Senator Ramsey.

Memorials, Retirement -- Yvonne Baird.

**Senate Joint Resolution No. 1064** by Senator Ramsey.

Memorials, Recognition -- Sister Sandra Smithson.

**Senate Joint Resolution No. 1065** by Senator Norris.

Memorials, Professional Achievement -- Dr. Tim Setterlund, 2004 Tennessee PTA Outstanding Principal.

**Senate Resolution No. 205** by Senator Kilby.

Memorials, Academic Achievement -- Ashlie Nicole Chaniott, Valedictorian, Campbell County High School.

**Senate Resolution No. 206** by Senator Kilby.

Memorials, Academic Achievement -- Chance Thomas Donahue, Salutatorian, Campbell County High School.

**Senate Resolution No. 207** by Senator Beavers.

Memorials, Interns -- Jonathan Owen Appleby.

**Senate Resolution No. 208** by Senator Kilby.

Memorials, Academic Achievement -- Brandon Michael Lawson, Valedictorian, Campbell County High School.

**Senate Resolution No. 209** by Senator Clabough.

Memorials, Interns -- Michael Begley.

**Senate Resolution No. 210** by Senator Kilby.

Memorials, Academic Achievement -- Tristin Ainsley Nichole Bond, Valedictorian, Oneida High School.

**Senate Resolution No. 211** by Senators Burchett.

Memorials, Death -- William A. "Tony" Karnes.

**Senate Resolution No. 212** by Senator Norris.

Memorials, Interns -- Kristina Faith Peach.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 997** -- Highway Signs -- "Veterans Memorial Bridge" on South

College Street over US 70 in Smithville, DeKalb County.

The Speaker announced that he had referred House Joint Resolution No. 997 to Committee on Transportation.

**House Joint Resolution No. 1043** -- General Assembly, Statement of Intent or Position --

Urge every parent/care-giver of a newborn to learn infant CPR.

The Speaker announced that he had referred House Joint Resolution No. 1043 to Committee on General Welfare, Health and Human Resources.

**House Joint Resolution No. 1120** -- Memorials, Recognition -- Joy Harold, 181st Annual

Peters Hollow Egg Fight Champion.

The Speaker announced that he had referred House Joint Resolution No. 1120 to Committee on Calendar.

**House Joint Resolution No. 1121** -- Memorials, Personal Occasion -- 50th Annual Smith

Cotten Overton Brooks Family Reunion.

The Speaker announced that he had referred House Joint Resolution No. 1121 to Committee on Calendar.

**House Joint Resolution No. 1122** -- Memorials, Recognition -- Nashville Zoo at Grassmere.

The Speaker announced that he had referred House Joint Resolution No. 1122 to Committee on Calendar.

**House Joint Resolution No. 1123** -- Memorials, Retirement -- Dr. Sammy V. Swor, Jr.

The Speaker announced that he had referred House Joint Resolution No. 1123 to Committee on Calendar.

**House Joint Resolution No. 1124** -- Memorials, Public Service -- Phyllis Eldridge.

The Speaker announced that he had referred House Joint Resolution No. 1124 to Committee on Calendar.

**House Joint Resolution No. 1125** -- Memorials, Congratulations -- David Justice.

The Speaker announced that he had referred House Joint Resolution No. 1125 to Committee on Calendar.

**Senate Joint Resolution No. 1026** -- Memorials, Academic Achievement -- Mary Elyse Gragg, Salutatorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1026 to Committee on Calendar.

**Senate Joint Resolution No. 1027** -- Memorials, Academic Achievement -- Michael H. Kelly, Jr., Salutatorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1027 to Committee on Calendar.

**Senate Joint Resolution No. 1028** -- Memorials, Academic Achievement -- Meredith Edmunds, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1028 to Committee on Calendar.

**Senate Joint Resolution No. 1029** -- Memorials, Academic Achievement -- Lorie Beth Allsbrooks, Valedictorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1029 to Committee on Calendar.

**Senate Joint Resolution No. 1030** -- Memorials, Academic Achievement -- Adam Binkley, Salutatorian, Springfield High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1030 to Committee on Calendar.

#### **MOTION**

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 2585 and 2954** on the calendar for the Committee on Judiciary for Tuesday, May 4, 2004, which motion prevailed.

**MOTION**

Senator Person moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1061**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 1061** -- Memorials, Interns -- Ron Forbus.

On motion of Senator Person, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1061** was adopted by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

**MOTION**

Senator Harper moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1071**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 1071** -- Naming and Designating -- Tennessee Osteoporosis Prevention Month, May 2004.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1071** was concurred in by the following vote:

Ayes . . . . . 28  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

**MOTION**

Senator Graves moved that Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 3 consisting of the following resolutions: **Senate Joint Resolutions Nos. 1050, 1051 and 1052**, which motion prevailed.

**CONSENT CALENDAR NO. 3**

**Senate Joint Resolution No. 1050** -- Memorials, Academic Achievement -- Mary Buck, Co-Valedictorian, College Heights Christian Academy.

**Senate Joint Resolution No. 1051** -- Memorials, Academic Achievement -- Rachel Mercer, Salutatorian, College Heights Christian Academy.

**Senate Joint Resolution No. 1052** -- Memorials, Academic Achievement -- Katy Gann, Co-Valedictorian, College Heights Christian Academy.

Senator Graves moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes . . . . . 27  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--27.

A motion to reconsider was tabled.

**MR. SPEAKER WILDER RESUMES CHAIR**

Mr. Speaker Wilder resumed the Chair.

**NOTICES**

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

**MESSAGE FROM THE HOUSE**

April 29, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2260, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 29, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2314, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

MESSAGE FROM THE HOUSE

April 29, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3228, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**CONSENT CALENDAR NO. 1**

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, May 3, 2004, pursuant to Rule 38: **Senate Joint Resolution No. 1013.**

**House Joint Resolution No. 1087** -- Memorials, Death -- Houston Monroe Goddard.

**House Joint Resolution No. 1105** -- Memorials, Recognition -- Sixth Grade Class at Jackson County Middle School.

**House Joint Resolution No. 1106** -- Memorials, Recognition -- Jonathan Goodwin, Amanda Keeling, Lance Pirl, Legislative Pages.

**House Joint Resolution No. 1107** -- Memorials, Academic Achievement -- Kelly Leanna Rosenbaum, Salutatorian, Harriman High School.

**House Joint Resolution No. 1108** -- Memorials, Academic Achievement -- Rebecca Jane Dailey, Valedictorian, Roane County High School.

**House Joint Resolution No. 1109** -- Memorials, Academic Achievement -- Jacob Paul Platfoot, Valedictorian, Roane County High School.

**House Joint Resolution No. 1110** -- Memorials, Academic Achievement -- Jessica Kate Weaver, Valedictorian, Harriman High School.

**House Joint Resolution No. 1111** -- Memorials, Death -- Carlos "Collie" M. Bohannon.

**House Joint Resolution No. 1112** -- Memorials, Congratulations -- Harpeth High School Marching Band.

**House Joint Resolution No. 1114** -- Memorials, Academic Achievement -- Rachel Elisabeth Bingham, Salutatorian, Watertown High School.

**House Joint Resolution No. 1115** -- Memorials, Academic Achievement -- Ariela Rebecca Tutt, Valedictorian, Watertown High School.

**House Joint Resolution No. 1116** -- Memorials, Interns -- Charity Miles.

**House Joint Resolution No. 1117** -- Memorials, Interns -- Yvonda Shirelle Higgins.

**House Joint Resolution No. 1118** -- Memorials, Interns -- Mary Kathryn Carr.

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**House Joint Resolution No. 1119** -- Memorials, Sports -- Unaka High School Rangers, 2004 TSSAA Class A Boys Basketball State Champions.

**Senate Joint Resolution No. 1014** -- Memorials, Heroism -- Members of the United States Armed Services.

**Senate Joint Resolution No. 1015** -- Memorials, Death -- Inez Burns.

**Senate Joint Resolution No. 1016** -- Memorials, Public Service -- General Federation of Women's Clubs.

**Senate Joint Resolution No. 1017** -- Memorials, Recognition -- City of Goodlettsville, 150th anniversary.

**Senate Joint Resolution No. 1018** -- Memorials, Retirement -- Dr. William F. Ruhl, President of Goodpasture Christian School.

**Senate Joint Resolution No. 1019** -- Memorials, Personal Achievement -- Karl Kosman, Eagle Scout.

**Senate Joint Resolution No. 1020** -- Memorials, Recognition -- Chief Master Sergeant Sara A. Sellers, USAF, Retired.

**Senate Joint Resolution No. 1022** -- Memorials, Recognition -- Blake Campbell.

**Senate Joint Resolution No. 1023** -- Memorials, Interns -- Gregory Tapocsi.

**Senate Resolution No. 198** -- Memorials, Death -- Andrew Fox.

**Senate Resolution No. 199** -- Memorials, Interns -- Amy Murillo.

**Senate Resolution No. 200** -- Memorials, Academic Achievement -- Clara Huddleston, Salutatorian, Ridgeway High School.

**Senate Resolution No. 201** -- Memorials, Academic Achievement -- Victoria S. Norris, Valedictorian, Kirby High School.

**Senate Resolution No. 202** -- Memorials, Academic Achievement -- Kaharah C. King, Salutatorian, Kirby High School.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

Objections having been raised, the following bill was placed at the heel of the calendar for Monday, May 3, 2004, pursuant to Rule 38: **Senate Bill No. 2409.**

**Senate Bill No. 2696** -- Bonds and Undertakings, Regulation of -- Places certain requirements on negotiated utility district bond transactions in excess of \$50,000,000. Amends TCA Title 7, Chapter 82, Part 5.

On motion, Senate Bill No. 2696 was made to conform with **House Bill No. 2678.**

On motion, House Bill No. 2678, on same subject, was substituted for Senate Bill No. 2696.

**Senate Bill No. 3043** -- Boards and Commissions -- Authorizes private probation services council to establish fees sufficient to pay annual expenses and assess civil penalty per violation of statute, rule or order enforceable by council after UAPA hearing. Amends TCA Title 16, Chapter 3, Part 9.

On motion, Senate Bill No. 3043 was made to conform with **House Bill No. 2781.**

On motion, House Bill No. 2781, on same subject, was substituted for Senate Bill No. 3043.

**Senate Bill No. 3245** -- Taxes -- Authorizes comptroller to create a voluntary pilot program for assessing leased personal property to the lessor instead of the lessee.

On motion, Senate Bill No. 3245 was made to conform with **House Bill No. 3286.**

On motion, House Bill No. 3286, on same subject, was substituted for Senate Bill No. 3245.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Joint Resolution No. 71** -- Constitutional Amendments -- Amends Article II, Section 28, of Tennessee Constitution to provide property tax relief for senior citizens, as amended.

Senator Norris moved that the Clerk read the resolution, as amended, which motion prevailed.

The Clerk read the resolution, as amended.

Thereupon, Mr. Speaker Wilder declared pursuant to Article XI, Section 3 **Senate Joint Resolution No. 71**, as amended, had been read.

Thereupon, **Senate Joint Resolution No. 71**, as amended, was adopted by the following vote:

Ayes . . . . .	31
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senator Graves moved that **Senate Bill No. 3392** be placed on the calendar for Monday, May 3, 2004, which motion prevailed.

**House Bill No. 3289** -- Taxes, Real Property -- Classifies certain property associated with utilities and railroads as real property for purposes of the property taxation, as amended.

Senator Norris moved to amend as follows:

#### AMENDMENT NO. 3

AMEND by deleting the punctuation "," at the end of the amendatory language in subdivision (C) of Section 1 and by substituting instead the language ", excluding propane tanks for residential use;"

Senator Henry moved that **House Bill No. 3289**, as amended, be moved five places down on the calendar for today, which motion prevailed.

Senator Graves moved that **Senate Bill No. 3394** be placed on the calendar for Monday, May 3, 2004, which motion prevailed.

#### MOTION

Senator Graves moved that **Senate Bill No. 3397** be considered next, out of order, which motion prevailed.

**Senate Bill No. 3397** -- Education, State Board of -- Requires State Board of Education review committee for BEP to conduct annual assessment of instructional salaries in each local education agency and prepare analysis of grand total salary disparity, including percentage difference between bottom quartile and top quartile of school systems based on grand total salary. Amends TCA Title 49.

On motion, Senate Bill No. 3397 was made to conform with **House Bill No. 3510**.

On motion, House Bill No. 3510, on same subject, was substituted for Senate Bill No. 3397.

Senator Crutchfield declared Rule 13 on **House Bill No. 3510**.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

On motion of Senator Fowler, Amendment No. 3 was withdrawn.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by adding a new section to be appropriately designated as follows:

SECTION \_\_\_\_ In reviewing the basic education program for fiscal year 2005-2006, the BEP review committee is requested to give special consideration to costs of enhanced services to address the needs of at-risk children and the cost of educating English language learners (including teachers, translators and related professions), the development and implementation of a system-level fiscal capacity model that also takes into account local effort with respect to fiscal capacity, and the effect of minimum class size requirements on the number of teachers required to be hired in a particular LEA based on actual distribution of students.

Senator Graves moved that Amendment No. 4 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 21  
Noes . . . . . 10

Senators voting aye were: Atchley, Burchett, Burks, Clabough, Cooper, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McNally, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--21.

Senators voting no were: Bryson, Cohen, Crowe, Crutchfield, Fowler, Ketron, McLeary, Miller, Norris and Ramsey--10.

On motion of Senator Bryson, Amendment No. 5 was withdrawn.

Senator Fowler moved that the rules be suspended for the purpose of allowing Amendment No. 1 to Amendment No. 1 to be refiled as Amendment No. 6 and be considered timely filed, which motion prevailed.

Senator Fowler moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION 10. (a) This act shall take effect upon becoming a law, the public welfare requiring it.

(b) Sections 1 and 2 of this act shall terminate, and are hereby repealed, effective June 30, 2006, **unless**, on or before such date:

(1) A final settlement is approved by the court in the case of *Tennessee Small School Systems, et al. v. Ned Ray McWhorter, et al.*, incorporating the provisions of the teacher salary equity and funding plan, as set forth in Sections 1 and 2 of this act; or

(2) In such case or any other case, the Tennessee Supreme Court holds that the teacher salary equity and funding plan, as set forth in Sections 1 and 2 of this act, complies with the applicable requirements of the Tennessee Constitution.

Senator Graves moved that Amendment No. 6 go to the table, which motion prevailed by the following vote:

Ayes ..... 16  
Noes ..... 15

Senators voting aye were: Atchley, Burks, Clabough, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, McLeary, McNally, Norris, Williams and Mr. Speaker Wilder--16.

Senators voting no were: Beavers, Bryson, Burchett, Cohen, Cooper, Crowe, Crutchfield, Fowler, Ketron, Kyle, Miller, Person, Ramsey, Southerland and Trail--15.

Thereupon, **House Bill No. 3510** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

#### MOTION

Senator Crowe moved that **House Bill No. 2719** be considered next, out of order, which motion prevailed.

**House Bill No. 2719** -- Railroads -- Authorizes boards of directors of local rail authorities to borrow moneys for the operation, maintenance and repair of railroads. Amends TCA Title 7, Chapter 56.

**House Bill No. 2719** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

### MOTION

Senator Kyle moved to suspend Rule 70 to allow the immediate consideration of the Report of the Ad Hoc Committee on the Rules, which motion prevailed.

### AMENDMENT OF THE PERMANENT RULES OF ORDER

Senator Kyle moved that the Permanent Rules of Order for the Senate for the One Hundred Third General Assembly be amended and the Report of the Ad Hoc Committee on the Rules be adopted as the Permanent Rules, which motion prevailed by the following vote:

Ayes ..... 29  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

### REPORT OF AD HOC COMMITTEE TO REVIEW THE RULES OF ORDER

Mr. Speaker, the Ad Hoc Committee on Rules having met, reports to the Senate the following recommendation for amendment to the Permanent Rules of Order for the Senate for the One Hundred and Third General Assembly:

Rules 76 and 37 be amended as underlined

#### 76. SELECT COMMITTEES.

(1) There shall be a Committee on Calendar to be composed of a Chairman to be appointed by the Speaker from its members and the majority and minority floor leaders. The Committee on Calendar shall set the calendar and receive reports from the Secretary of State.

The Committee on Calendar shall only act as a scheduling committee and shall not engage in the determination of the merits of a bill, resolution or report and shall schedule every bill, resolution or report for Senate action during that session.

Ceremonies and Special Presentations during the regular order of business shall first be scheduled by the Committee on Calendar and shall be completed within the time allotted by the Committee on Calendar.

### 37. SETTING THE CALENDAR.

Any bills, having been considered and reported out of the Committee to which referred, shall be referred to the Committee on Calendar, and no bill of a general nature nor report shall be considered for third and final passage until a written calendar, from the Committee on Calendar, giving notice of such bill or report, has been posted in designated places and delivered to each Senator's legislative office before two (2) o'clock p.m. at least two (2) calendar days prior to such consideration.

The Committee on Calendar shall schedule on the calendar for final consideration such number of general bills as it deems appropriate.

Should the Senate not complete any day's calendar, the bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered.

/s/ Senator Jim Bryson  
Chairman  
Ad Hoc Committee on Rules  
April 26, 2004

### CALENDAR

**Senate Bill No. 2242** -- Teachers, Principals and School Personnel -- Allows person chosen as TEA president to have leave during term of office. Amends TCA Title 49, Chapter 5, Part 7.

**Senate Bill No. 2242** passed its third and final consideration by the following vote:

Ayes ..... 27  
Noes ..... 3

Senators voting aye were: Beavers, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--27.

Senators voting no were: Atchley, Bryson and Henry--3.

A motion to reconsider was tabled.

Senator Person moved that **Senate Bill No. 2364** be rereferred to the Committee on Finance, Ways and Means, which motion prevailed.

### **MOTION**

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2364** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 4, 2004, which motion prevailed.

**MOTION**

Senator Burchett moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 211**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Resolution No. 211** -- Memorials, Death -- William A. "Tony" Karnes.

On motion of Senator Burchett, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 211** was adopted by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**CALENDAR**

**Senate Bill No. 2840** -- Animals and Animal Cruelty -- Clarifies state and local administrative duties and responsibilities under the Tennessee Anti-Rabies Law. Amends TCA Title 68, Chapter 8, Part 1.

On motion, Senate Bill No. 2840 was made to conform with **House Bill No. 3229**.

On motion, House Bill No. 3229, on same subject, was substituted for Senate Bill No. 2840.

On motion of Senator Jackson, Amendment No. 1 was withdrawn.

Senator Cohen moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Cohen moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 8, Part 1, is amended by deleting all the language of that Part in its entirety and substituting instead the following:

Section 68-8-101. This chapter shall be known and may be cited as the "Tennessee Anti-Rabies Law".

Section 68-8-102. As used in this chapter, unless the context otherwise requires:

- (1) "Cat" means all domesticated members of the feline family;
- (2) "Commissioner" means the Commissioner of the Department of Health or a duly authorized representative;
- (3) "Compendium or rabies compendium" means the most recent issue of the national "Compendium of Animal Rabies Prevention and Control" published by the Association of State Public Health Veterinarians;
- (4) "Confinement" means housed in a building, pen or by some other suitable escape-proof method or enclosure or being leashed;
- (5) "Department" means the Tennessee Department of Health;
- (6) "Dog" means all domesticated members of the canine family;
- (7) "Hybrid animal" means the offspring of wild animals crossbred to domestic dogs or cats or any of their progeny for which the owner has records substantiating that their genetic heritage consists of twenty-five percent (25%) or more from wild animals. Crossbred dogs or cats with less than twenty-five percent (25%) documented genetic heritage from wild animals will be considered as domestic dogs or cats for purposes of this chapter;
- (8) "Observation period" means the time following a bite incident during which the biting animal's health status must be monitored;
- (9) "Owner" means any person having a right or property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in such person's care or acts as its custodian, or who permits a dog or cat to remain on or about any premises;
- (10) "Peace officer" means animal control officer, police, rabies control officer, sheriff, wildlife officer, or similar duly appointed law enforcement officer of the state or any political subdivision thereof, authorized by the Constitution, statutes, charter, or ordinances to enforce statutory, rule, charter or ordinance violations. It does not include employees of the department assigned to implement the provisions of this chapter;
- (11) "Quarantine" means a state of strictly enforced isolation from other animals or the public imposed to prevent the spread of disease;
- (12) "Shelter" means animal or humane shelter, dog pound or animal pound;
- (13) "Vaccination" means the injection of a rabies vaccine for animals, which meets the standards prescribed by both the United States Department of Agriculture (USDA) license granted to the vaccine for interstate sale and by the department; and

(14) "Veterinarian" means any individual licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in this state.

Section 68-8-103. (a) It is unlawful for any person to own, keep or harbor any dog or cat six (6) months of age or older which has not been vaccinated against rabies as required by this chapter, or the rules and regulations promulgated pursuant thereto.

(b) Dogs and cats may be vaccinated as early as three (3) months of age or at an age as specified by the vaccine's USDA license, but will be considered as non-compliant with this section if over six (6) months of age.

(c) Ferrets, certain livestock, hybrid animals and other animals may be vaccinated for rabies if a vaccine is legally available for that species. Routine rabies vaccination of animals other than dogs or cats is not required unless deemed necessary by the commissioner or by emergency rules of the department.

(d) All rabies vaccinations of dogs and cats as required by this chapter shall be administered only by or under the supervision of a veterinarian.

(e) Evidence of such vaccination shall consist of a certificate that contains the owner's name and address, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, number of the vaccination tag issued when applicable, manufacturer and lot number of vaccine administered, and the name and signature of the supervising veterinarian. If the vaccination is given at an animal control facility or shelter, then the certificate shall contain the name and signature of the person administering the vaccine as well as that of the supervising veterinarian.

(f) The vaccination certificate shall be prepared in one (1) of the following manners, unless otherwise provided for by rule:

(1) Paper forms in triplicate; the original shall be given to the owner, the first copy provided to and retained by the department. The veterinarian administering or supervising the administration of the vaccine shall retain the second copy.

(2) Computer printout or electronic format, such that the owner, the department and the veterinarian administering the vaccine obtain a copy of the information provided for in Section 68-8-103(e).

(g) The rabies certificate form and rabies tags shall be provided by the department.

(h) A licensed veterinarian may provide and use an alternative tag and certificate providing that the requirements in Sections 68-8-103(e) and (f) are met.

(i) Nothing in this section shall be construed to require more frequent rabies vaccinations or a greater number of rabies vaccinations than are required by the rabies compendium.

Section 68-8-104. (a) In addition to but not as a substitute for or in any way detracting from the vaccination requirements of this chapter, authorization is granted for the adoption of local laws or ordinances to require the registration of dogs or cats in counties or municipalities.

(b) Any local laws or ordinances implementing animal registration shall include methods for the collection of registration fees and shall require the expenditure of these funds to establish and maintain a rabies control program, also commonly known as an animal control program. In addition to various animal control activities, the rabies control program shall ensure that dogs and cats are properly vaccinated in accordance with this chapter and that biting animals or rabies suspects are observed or confined in accordance with this chapter and rules of the department.

(c) No dog or cat registration certificate shall be issued unless an unexpired certificate of rabies vaccination is exhibited.

(d) All fees collected for registration shall become part of the county or municipality rabies control fund and shall be disbursed by the appropriate trustee in a manner prescribed by the local legislative body for the sole purpose of the payment of salaries, for the establishment and operation of an animal shelter, for the establishment and operation of an animal control program, or for other expenses incidental to the enforcement of this chapter in the jurisdiction to which the registration requirement applies.

(e) Any funds remaining at the end of any fiscal year shall be carried over to the next fiscal year, and its expenditure authorized by the local legislative body only for the purpose of rabies and animal control.

Section 68-8-105. (a) Any county or municipality maintaining a program for the control of rabies shall be exempt from the operation of this chapter so long as such rabies program meets the minimum requirements of this chapter.

(b) This chapter shall not apply to any county which now has or hereafter may enact private laws governing the control of rabies in that county, that meet the minimum requirements of this chapter.

Section 68-8-106. (a) The person or facility administering the vaccine shall issue a rabies tag for every dog vaccinated for rabies and the identification numbers on the tag shall be recorded on the rabies certificate.

(b) Cats may be, but are not required, to be issued a rabies tag.

(c) Every dog owner shall attach a metal tag or other evidence of rabies vaccination to a collar which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. Nothing herein shall be construed as permitting the use of an unvaccinated dog for any purpose.

Section 68-8-107. (a) Any dog found running at large may be seized by any peace officer and placed in an animal shelter in counties or cities where an animal shelter or pound is available.

(b) If the dog or cat is wearing a rabies vaccination tag or other identification, all reasonable effort shall be made to locate and notify the owners who shall be required to appear within five (5) days and redeem the animal by paying a pound fee as set by the city or county legislative body. A failure to pay the pound fee, or have the animal vaccinated if proof of current vaccination is not produced prior to release, shall require the animal to be adopted or destroyed.

(c) If any dog or cat is not wearing a vaccination tag or other identification, the animal may be adopted or destroyed, unless legally claimed by the owner within three (3) days.

(d) No dog or cat three (3) months of age or older shall be released from a shelter without having proof of current vaccination or until it has been vaccinated and, where applicable, a tag issued.

(e) A county may allow by local ordinance the adoption of a dog or cat three (3) months of age or older without a vaccination as long as procedures are established to ensure that the animal is vaccinated for rabies within seventy-two (72) hours of release from the shelter.

Section 68-8-108. This chapter shall not prohibit the transportation of dogs or cats in the state; provided, that the dogs or cats are securely confined or kept upon a leash while being transported in the state.

Section 68-8-109. (a) If any animal has bitten any person, is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal may be required to be placed under an observation period either by confinement or by quarantine for a period of time deemed necessary by the commissioner or rules of the department.

(b) The act of investigating the bite or rabies exposure and placing the animal under observation by confinement or quarantine shall be accomplished either by the department or by the animal control program, in either the county or municipality wherein either the animal owner or the person bitten resides, in consultation with the department.

(c) The confinement, quarantine or other disposition of the animal shall follow the current recommendations in the national Rabies Compendium unless more specific guidelines are designated by duly promulgated rules of the department or as deemed necessary by the commissioner to protect the public's health.

(d) The observation period by confinement or quarantine may occur at the animal owner's home at the discretion of the department or the animal control program.

Section 68-8-110. It is an offense for any person to hide, conceal, aid, or assist in hiding or concealing any animal owned, kept or harbored in violation of Section 68-8-103 or Section 68-8-109. An offense under this section is punishable as a Class C misdemeanor.

Section 68-8-111. Any licensed veterinarian who provides services to vaccinate animals against rabies at a community clinic that is sponsored by a county health department or municipality in accordance with this chapter, shall not by such participation assume any responsibility or liability for the supervision of the site or location where the rabies program is conducted. Such responsibility and liability shall be borne by the sponsoring county or municipality.

Section 68-8-112. (a) The Commissioner of Health shall have the authority to promulgate such rules and regulations as may be deemed necessary for the proper enforcement of the provisions of this chapter.

(b) The commissioner in adopting rules may rely in whole or in part on guidance or standards contained in the rabies compendium or issued by the United States Department of Agriculture.

(c) The rules deemed necessary by the commissioner to effectuate the provisions of this part are of such importance to the welfare of the citizens of this state that they may be promulgated as public necessity rules.

Section 68-8-113. Any person failing to meet any requirements or violating any of the provisions of this chapter commits a Class C misdemeanor with each violation being a separate offense.

SECTION 2. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2005, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes .....	27
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--27.

On motion of Senator Jackson, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3229**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**Senate Bill No. 2868** -- Medical Occupations -- Revises requirements for a podiatrist to perform surgery on an ankle. Amends TCA Section 63-3-101.

On motion, Senate Bill No. 2868 was made to conform with **House Bill No. 3346**.

On motion, House Bill No. 3346, on same subject, was substituted for Senate Bill No. 2868.

On motion of Senator Herron, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3346** passed its third and final consideration by the following vote:

Ayes .....	28
Noes .....	2

Senators voting aye were: Atchley, Beavers, Bryson, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senators voting no were: Burchett and Kurita--2.

A motion to reconsider was tabled.

#### **FURTHER ACTION ON HOUSE BILL NO. 3289, AS AMENDED**

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

Thereupon, **House Bill No. 3289**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Miller moved that **Senate Bill No. 2897** be placed on the final calendar, which motion prevailed.

**Senate Bill No. 3226** -- Sexual Offenses -- Clarifies that sexual offenders are prohibited from residing or working within 1,000 feet of a school or child care facility; clarifies that such offenders are prohibited from residing where a minor (other than the offender's child) resides. Amends TCA Section 40-39-111.

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 3 of the printed bill and by substituting instead the following:

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void; and the former provisions of § 40-39-111 are hereby reenacted and revived as such provisions read immediately prior to the effective date of this act.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3226**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	30
Noes . . . . .	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 3235** -- Safety -- Creates a safety category for leisure pools, which are pools that also offer group recreational activities on a three-acre property, and delineates separate safety requirements for leisure pools. Amends TCA Title 68, Chapter 14, Part 3.

Senator Burchett moved that Amendment No. 1 be placed behind Amendment No. 3, which motion prevailed.

Senator Jackson moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all of the language after the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, Part 3, is amended by adding the following as a new, appropriately designated section thereto:

(a) As used in this section, "leisure pool" means a single area swimming pool of at least fifteen thousand (15,000) square feet in total surface area situated on at least three (3) acres of property, excluding the size of the area occupied by the

leisure pool itself, which is used for corporate or group functions or events, and which offers at least one of the following group recreational activities on the premises:

- (1) Sand volleyball or badminton;
- (2) Basketball;
- (3) In-line skating;
- (4) Outdoor musical or theatrical performances; or
- (5) Outdoor cinema screenings.

(b) Notwithstanding any law or regulation to the contrary, a member based leisure pool shall be classified as a Type B swimming pool as defined by the rules and regulations of the Department of Health. A leisure pool shall meet the following operational requirements:

(1) A leisure pool is authorized to operate until 10:30 p.m. on Monday, Tuesday or Wednesday nights, and until 11:00 p.m. on Thursday, Friday, Saturday or Sunday nights.

(2) A leisure pool is authorized to allow any function or event held on the premises of the leisure pool up to seventy-five (75) decibels or less in noise level measured from the property line of the premises on which the leisure pool is located.

(c) All other laws or rules not in conflict with subsection (b) that are applicable to public swimming pools shall be applicable to leisure pools.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator Jackson moved to amend as follows:

### AMENDMENT NO. 3

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall only apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than:  
382,000  
897,400

nor more than:  
382,100  
897,500

On motion, Amendment No. 3 was adopted.

On motion of Senator Burchett, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 3235**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 30

Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 3287** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 3316** -- Child Custody and Support -- Allows the security for a bond required in the event that a person is in arrears on child support payments to be deemed sufficient by either the court, the clerk of the court or the sheriff. Amends TCA Section 36-5-101.

On motion, Senate Bill No. 3316 was made to conform with **House Bill No. 3062**.

On motion, House Bill No. 3062, on same subject, was substituted for Senate Bill No. 3316.

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(b), is amended by deleting the words "sufficient sureties approved by the court" in the second sentence and by substituting instead the following:

sufficient sureties approved by the court (or alternatively, in the absence of the judge from the court, approved by the clerk of the court),

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3062**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27

Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

## THURSDAY, APRIL 29, 2004 -- 85TH LEGISLATIVE DAY

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 3468** be rereferred to the Committee on Calendar, which motion prevailed.

### MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of May 3, 2004, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

### TENNESSEE STATE SENATE 103rd GENERAL ASSEMBLY

#### PROPOSED SCHEDULE FOR THE WEEK OF MAY 3, 2004

##### MONDAY -- May 3

1:30 p.m. --	4:00 p.m.	Education Committee
	5:00 p.m.	Session -- Senate Chamber

##### TUESDAY -- May 4

8:30 a.m. --	10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. --	12:30 p.m.	Commerce, Labor & Agriculture Committee
12:30 p.m. --	1:00 p.m.	Lunch
1:00 p.m. --	1:30 p.m.	State & Local Government Committee
1:30 p.m. --	5:30 p.m.	Judiciary Committee

##### WEDNESDAY -- May 5

8:30 a.m. --	10:00 a.m.	Education Committee
10:00 a.m. --	11:00 a.m.	Environment, Conservation & Tourism Committee
11:00 a.m. --	12:30 p.m.	Government Operations Committee
12:30 p.m. --	1:30 p.m.	Lunch
1:30 p.m. --	3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. --	5:30 p.m.	Finance, Ways & Means Committee
		No Floor Session

##### THURSDAY -- May 6

8:30 a.m. --	10:30 a.m.	Commerce, Labor & Agriculture Committee
	10:30 a.m.	Session -- Senate Chamber
1:00 p.m. --	3:00 p.m.	Commerce, Labor & Agriculture Committee

**THURSDAY, APRIL 29, 2004 -- 85TH LEGISLATIVE DAY**

**OTHER MEETINGS:**

Monday, May 3, 2004 --

Select Committee on Children & Youth

2:00 p.m. -- 4:00 p.m. -- Room 31 LP

Fiscal Review Committee

2:30 p.m. -- Room 16 LP

Ad Hoc Committee to Study Specialty License

Plate Program

2:30 p.m. -- Room 30 LP

**NOTE:** The General Welfare, Health & Human Resources Committee and Transportation Committee will meet again only at the call of the chair.

**MOTION**

Senator Crutchfield moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

**SENATE MESSAGE CALENDAR**

Senator McNally moved that **Senate Bill No. 2300** be placed on the Message Calendar for Monday, May 10, 2004, which motion prevailed.

Senator Cooper moved that **Senate Bill No. 2329** be placed on the Message Calendar for Monday, May 3, 2004, which motion prevailed.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2524** -- Civil Procedure -- Excludes certain actions from commission of felony in misapplication of contract payments; revises prima facie evidence of intent to defraud if loan proceeds or contract payments are misapplied or if amount of lien is exaggerated. Amends TCA Title 66, Chapter 11, Part 1.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting the amendatory language of Section 1 and substituting instead the following:

Notwithstanding, there is no violation of this section when:

(1) Funds are disbursed pursuant to written agreement; or

(2) The use of funds received and deposited in a business account for use on multiple construction projects is based upon the allocation of costs and profits in accordance with generally accepted accounting principles for construction projects.

AND FURTHER AMEND by adding the following new sentence to the end of the amendatory language of Section 2:

Use of a single business bank account for multiple projects shall not be evidence of intent to defraud.

Senator Fowler moved that **Senate Bill No. 2524** be placed on the Message Calendar for Monday, May 3, 2004, which motion prevailed.

Senator Crowe moved that **Senate Bill No. 2596** be placed on the Message Calendar for Monday, May 3, 2004, which motion prevailed.

#### CALENDAR

**Senate Bill No. 1892** -- Utilities, Utility Districts -- Revises manner of filling vacancies of board of commissioners of water utility district having less than 1,600 subscribers located in Lawrence County. Amends TCA Section 7-82-307.

On motion, Senate Bill No. 1892 was made to conform with **House Bill No. 2063**.

On motion, House Bill No. 2063, on same subject, was substituted for Senate Bill No. 1892.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

Senator Jackson moved to amend as follows:

#### **AMENDMENT NO. 2**

AMEND by deleting all language after the caption and by substituting instead the following:

WHEREAS, utility districts play a crucial role in the effective, efficient and systematic distribution of water, gas, electric and other critically essential utility services required by many citizens and business enterprises across the State of Tennessee; and

WHEREAS, utility districts are created, and exist, for the sole purpose of serving the vital needs of, promoting the best interests of, and otherwise benefiting and improving the quality of life for Tennessee citizens and business enterprises, many of whom are completely and totally dependent upon utility districts for the provision of essential utility services; and

WHEREAS, utility districts function within a fiduciary realm and, therefore, should and must operate in accordance with the highest standards of professionalism, competency, accountability and trust; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

(f)(1) Notwithstanding the provisions of this section or any other law to the contrary, any water utility district having less than one thousand six hundred (1,600) customers in any county having a population of not less than thirty-nine thousand nine hundred (39,900) nor more than forty thousand (40,000), according to the 2000 federal census or any subsequent federal census, shall be governed by a five-member board of utility district commissioners. No person shall be eligible for appointment as utility district commissioner unless he or she is a customer of the utility district and resides within the service area of the utility district. As used in this subsection, "customer" means a person

who is regularly billed for utility service rendered by the district and who pays money for such service.

(2) The regular term of office of each utility district commissioner shall be four (4) years. In order to establish staggered terms on the board, the three (3) incumbent commissioners serving on the effective date of this act shall each serve an initial term of four (4) years, commencing on the effective date of this act. Thereafter, those three (3) offices shall be subject to appointment every four (4) years in accordance with the requirements and procedures set forth in this subsection. The initial term of office of each of the two (2) commissioners added by the provisions of this act shall be two (2) years, commencing on the effective date of this act, to be filled in accordance with the requirements and procedures set forth in this subsection. Thereafter, those two (2) offices shall be subject to appointment every four (4) years in accordance with the requirements and procedures set forth in this subsection. All unscheduled vacancies arising after the effective date of this act shall be filled, for the remainder of the unexpired term, in accordance with the requirements and procedures set forth in this subsection.

(3) Within fourteen (14) days after the occurrence of any vacancy in the office of any utility district commissioner caused by death, resignation, disability, or forfeiture of office, and no later than sixty (60) days prior to the expiration of the term of office of any incumbent utility district commissioner, the board of utility district commissioners or its remaining members shall select three (3) qualified nominees to fill such office for the remainder of the term or for the full term, as the case may be, and, under the seal of the board of commissioners, shall certify such list of nominees in order of preference recommended by such commissioners, to the county mayor. Within fourteen (14) days after issuance of certification by the board of commissioners to the county mayor, the county mayor shall enter an order either appointing one of the nominees or rejecting the entire list. If this or any subsequent list of nominees is not timely submitted to the county mayor, then the county mayor shall proceed to appoint a qualified person to serve on the board of utility commissioners. Any order either making an appointment or rejecting the entire list of nominees shall be entered of record on the minutes of the county legislative body, and a certified copy thereof shall be furnished to the board of utility district commissioners. However, if the entire list of nominees is rejected by the county mayor, then the board of commissioners shall select a second list consisting of three (3) other, qualified nominees to fill such office and, under the seal of the board of commissioners, shall certify such second list of other nominees in order of preference recommended by such commissioners, to the county mayor within fourteen (14) days following entry of the order rejecting the first list of nominees. Within fourteen (14) days after the second issuance of certification by the board of utility district commissioners to the county mayor, the county mayor shall enter an order either appointing one of the nominees or rejecting the entire second list. Any order either making an appointment or rejecting the entire list of nominees shall be entered of record on the minutes of the county legislative body, and a certified copy thereof shall be furnished to the board of utility district commissioners. However, if the entire second list of nominees is rejected by the county mayor, then, within fourteen (14) days following entry of such order, the county mayor shall

request the board of commissioners or its remaining members to submit the third and final list consisting of three (3) other, qualified nominees to fill such office or, alternatively, the county mayor shall request the county legislative body to submit the third and final list consisting of three (3) other, qualified nominees to fill such office; provided further, however, prior to requesting a list of nominees from the county legislative body, the county mayor must file a written statement with the county legislative body setting forth the mayor's specific reasons for rejecting each of the six (6) nominees previously selected by the utility district board of commissioners or its remaining members. Such written statement shall constitute a public record and shall be available for public inspection. Within fourteen (14) days following such request, the board of utility district commissioners or the county legislative body shall select the final list consisting of three (3) other, qualified nominees to fill such office and shall certify such list of additional nominees in order of preference recommended to the county mayor. Within fourteen (14) days following such certification, the county mayor shall enter an order either appointing one of the nominees or rejecting the entire final list. Any order either making an appointment or rejecting the entire list of nominees shall be entered of record on the minutes of the county legislative body, and a certified copy thereof shall be furnished to the board of utility district commissioners. If the county mayor rejects the entire final list, then the vacant, or to be vacated, office of utility district commissioner shall be filled in accordance with the following election procedures:

(A) An election shall be conducted at the first regular meeting of the board of commissioners occurring more than thirty-five (35) days after entry of the order of county mayor rejecting the entire final list of nominees for such office. The board of utility district commissioners shall schedule such meeting at seven o'clock p.m. (7:00 p.m.).

(B) The incumbent commissioners shall give notice to all customers of the vacated, or soon to be vacant, office by mail and by publication in a local newspaper of general circulation. This notice shall state that such vacancy exists or will exist, shall state the qualifications for holding such office, shall indicate the date and time for the election to fill the vacancy, shall indicate the deadline for nominating petitions to be filed, and shall state that persons desiring to be placed on the ballot must submit a nominating petition signed by not less than ten (10) adults who are customers of the district and who also reside in the district. This notice shall be mailed to all customers of the district at least thirty (30) days prior to the election. Immediately after the qualifying deadline, the remaining commissioners shall prepare a paper ballot of the nominees for the vacancy, which ballot shall be published in a local newspaper of general circulation not less than five (5) nor more than fourteen (14) days prior to the date of the election. The vacancy shall be filled by a plurality of the votes cast for the vacant position on the board. Write-in votes shall also be counted.

(4) In implementing the provisions of this subsection, the nominating and appointing authorities shall give due consideration to the need for racial,

gender, age and ethnic minority diversity on the utility district board of commissioners.

(5) Subject to the availability and sufficiency of existing staffing and budgetary resources, on or before June 30, 2005, the comptroller of the treasury shall audit the records, financial transactions and purchasing practices of the utility district for fiscal year 2003-2004. The audit, and its findings and recommendations, shall constitute a public record and shall be available for public inspection. The provisions of this subdivision shall, in no way, be construed or implemented in any manner to require increased funding for the office of the comptroller of the treasury.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2063**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 2764** -- County Officers -- Grants authority equal to Tennessee constable association to Tennessee constable commission. Amends TCA Title 8, Chapter 10, as amended.

Senator Kilby moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-10-119(b)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) Shirts of either dark brown or white, at the discretion of the constable, displaying a patch of a design approved by the Tennessee constable association or the Tennessee constable council.

SECTION 2. Tennessee Code Annotated, Section 8-10-120(a), is amended by deleting the last sentence in the subsection and by substituting instead the following:

When adopted for use by a county constable, the stripe design and other emblems and lettering shall conform to the official uniform markings adopted by the Tennessee constable association or the Tennessee constable council on file with the director.

SECTION 3. Tennessee Code Annotated, Section 8-10-120(d), is amended by deleting the subsection in its entirety and by substituting instead the following:

(d) Any constable operating a patrol car and using the lights described in this section must have graduated from the last calendar date in-service sponsored by the Tennessee constable association or the Tennessee constable council.

SECTION 4. Tennessee Code Annotated, Section 8-10-201, is amended by deleting the section in its entirety and by substituting instead the following:

The Tennessee constable association or the Tennessee constable council shall develop and maintain a series of in-service education courses to be offered routinely throughout the year in the various divisions of the state. These courses shall be offered at nights or on weekends so as not to interfere with the constables' other full-time work. Courses offered shall contain information pertinent to the various aspects of civil and criminal process, firearms certification, and other issues relative to the powers and duties of constables. The constables shall pay costs of the courses unless state or local funds are made available. Upon completion of the in-service course, the Tennessee constable association or the Tennessee constable council will issue a certificate of completion to each officer.

SECTION 5. Tennessee Code Annotated, Section 8-10-203, is amended by deleting the section in its entirety and by substituting instead the following:

Constables must be range-qualified prior to being authorized to carry a firearm. Qualification may be sponsored by the Tennessee constable association, the Tennessee constable council, or by the local law enforcement authority.

SECTION 6. Tennessee Code Annotated, Section 8-10-205, is amended by deleting the section in its entirety and by substituting instead the following:

The county election council shall notify the Tennessee constable association or the Tennessee constable council within sixty (60) days of election of the constable. Where the constable is appointed by the county legislative body, the county clerk shall notify the Tennessee constable association or the Tennessee constable council within sixty (60) days of appointment of the constable. The council or county clerk shall provide the name of the county constable, the constable's current address, and telephone number.

SECTION 7. Nothing in this act shall be construed or interpreted to authorize any constable or any constable organization to alter or amend the requirements of Title 8, Chapter 10, Part 1, relative to authorized official uniforms for constables or the markings of constable patrol cars.

SECTION 8. The Tennessee General Assembly recognizes that the Tennessee constable council is a valid constable organization dedicated to enhancing the professionalism of Tennessee constables. The Tennessee constable council shall elect its

own officers, set its own dues, determine its own eligibility requirements, and prescribe its own training and teaching requirements. No state funds shall be appropriated to the Tennessee constable council. The Tennessee constable council is not a governmental entity and is not subject to the governmental entity review law, compiled in Title 4, Chapter 29.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2764**, as amended, passed its third and final consideration by the following vote:

Ayes .....	22
Noes .....	7

Senators voting aye were: Beavers, Bryson, Burchett, Burks, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--22.

Senators voting no were: Atchley, Cohen, Cooper, Herron, Miller, Norris and Southerland--7.

A motion to reconsider was tabled.

Senator Person moved that **Senate Bill No. 3099** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 3337** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 3120** -- Food and Food Products -- Grants immunity from certain liability for restaurants and similar food service establishments for donations to certain bona fide nonprofit organizations except for gross negligence or intentional conduct. Amends TCA Title 53.

**Senate Bill No. 3120** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**Senate Bill No. 1306** -- TennCare -- Requires bureau to report to select oversight committee on TennCare by September 1, 2003, concerning certain enrollees terminated during reverification efforts. Amends TCA Title 3; Title 4; Title 56 and Title 71.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 3-15-509(b), is amended in the first sentence by deleting the language "in 2004" and by substituting instead the language "in 2009".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1306**, as amended, passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1340** -- Taxes, Personal Property -- Modifies period in which audited taxpayer may file amended tangible personal property schedule. Amends TCA Title 67.

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 in the printed bill and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 67-1-1005, is amended by designating the existing language of subsection (d) to be subsection (d)(1) and by adding the following as a new subdivision (d)(2):

(d)(2) In the event of an audit, the taxpayer may amend the filed tangible personal property schedule for each tax year affected by the audit and each tax year until the back assessment is actually made and notice sent to the taxpayer. If any assessor of property refuses to accept such schedule as provided in this subsection, then the taxpayer shall have the right, within forty-five (45) days from the date of the denial by the assessor of property, to appeal to the State Board of Equalization and may be represented as provided in § 67-5-1514.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1340**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 2185 -- Fees --** Increases fee paid to county clerk for titling a motor vehicle from \$3.00 to \$5.50; increases fee for funding computerized titling and registration system from \$1.00 to \$2.00 and deletes sunset provision of such fee from June 30, 2004, to until completion of such system. Amends TCA Title 55 and Chapter 459 of the Public Acts of 1999.

On motion, Senate Bill No. 2185 was made to conform with **House Bill No. 2212**.

On motion, House Bill No. 2212, on same subject, was substituted for Senate Bill No. 2185.

On motion of Senator Williams, Amendment No. 1 was withdrawn.

Senator Miller moved that **House Bill No. 2212** be moved two places down on the calendar for today, which motion prevailed.

**Senate Bill No. 2346 -- Taxes, Litigation --** Authorizes Davidson and Shelby counties to impose a local litigation tax on each civil case filed in general sessions court, or in a court where the general sessions judge serves as judge, except juvenile court; authorizes such counties to impose local litigation tax on each criminal conviction in general sessions court. Amends TCA Section 16-15-5006.

**Senate Bill No. 2346** passed its third and final consideration by the following vote:

Ayes ..... 28  
Noes ..... 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

**Senate Bill No. 2365 -- Taxes, Ad Valorem --** Permits taxpayer whose property is grossly overappraised to appeal directly to State Board of Equalization prior to March 1 of second year following tax year in question. Amends TCA Title 67, Chapter 5, Part 14.

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1412(c), is amended by adding the following sentence after the second sentence:

Rules of the State Board of Equalization which permit electronic appeals shall also permit electronic appeal for a single parcel, in such format as the board may require by rule.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2365**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**FURTHER ACTION ON HOUSE BILL NO. 2212**

Thereupon, **House Bill No. 2212** passed its third and final consideration by the following vote:

Ayes . . . . . 29  
Noes . . . . . 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

**Senate Bill No. 2415** -- Industrial Development -- Authorizes industrial development corporations to prepare economic impact plans for dedicated areas, upon approval of governing municipality, and permits future additional tax revenues from such areas, above that amount regularly levied by all entities presently taxing the area, to be used for industrial development corporation purposes. Amends TCA Title 7, Chapter 53, Part 3.

On motion, Senate Bill No. 2415 was made to conform with **House Bill No. 2600**.

On motion, House Bill No. 2600, on same subject, was substituted for Senate Bill No. 2415.

**THURSDAY, APRIL 29, 2004 -- 85TH LEGISLATIVE DAY**

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2600** passed its third and final consideration by the following vote:

Ayes . . . . . 30

Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Burchett moved that **Senate Bill No. 2796** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

**MOTION**

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1832** on the calendar for the Committee on Judiciary for Tuesday, May 4, 2004, which motion prevailed.

**MOTION**

Senator Cohen moved that Rule 83 be suspended for the purpose of allowing the Committee on State and Local Government to meet to consider **Senate Bill No. 3078** immediately after Session today, which motion prevailed.

**RECALL OF BILLS**

On motion of Mr. Speaker Wilder, **Senate Bills Nos. 555, 2364, 2458, 2628; and House Joint Resolutions Nos. 625, 870, 873, 926, 930 and 957** were recalled from the Committee on Calendar.

**REFERRALS**

Mr. Speaker Wilder moved that Senate Bills Nos. 555, 2364, 2458, 2628; and House Joint Resolutions Nos. 625, 870, 873, 926, 930 and 957 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**STANDING COMMITTEE REPORT**

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 3078 with amendment.

COHEN, Chairperson  
April 29, 2004

The Speaker announced that he had referred Senate Bill No. 3078 with amendment to Committee on Calendar.

**MOTION**

On motion of Senator Norris, his name was added as sponsor of **Senate Bills Nos. 2975 and 3397.**

On motion of Senator Graves, her name was added as sponsor of **Senate Bills Nos. 2364, 3159 and 3337; and Senate Joint Resolutions Nos. 1016 and 1017.**

On motion of Senator Trail, his name was removed as sponsor of **Senate Bill No. 3424.**

On motion of Senator Trail, his name was added as sponsor of **Senate Bill No. 3159.**

On motion of Senator Jackson, his name was added as prime sponsor of **Senate Bill No. 3435.**

On motion of Senator Miller, his name was added as sponsor of **Senate Bill No. 3102.**

On motion of Senator Herron, his name was added as sponsor of **House Joint Resolutions Nos. 1026 and 1087; and Senate Bills Nos. 1152 and 2520.**

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 1014 and Senate Resolution No. 211.**

On motion of Senators Ramsey and Southerland, their names were added as sponsors of **Senate Joint Resolution No. 1020.**

On motion of Senators Graves, Burchett and Mr. Speaker Wilder, their names were added as sponsors of **Senate Bill No. 3226.**

On motion of Senator Kyle, his name was added as sponsor of **Senate Bill No. 2628.**

On motion of Senator Burks, her name was removed as sponsor of **Senate Bill No. 1388.**

On motion of Senator Bryson, his name was added as prime sponsor of **Senate Bill No. 1388.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2665, 3226, 3337 and 3392; and House Joint Resolutions Nos. 1105 and 1106.**

On motion of Senator McNally, his name was added as sponsor of **Senate Bill No. 2973.**

On motion of Senator Cooper, his name was added as sponsor of **Senate Bill No. 2665.**

On motion of Senator Kurita, her name was added as sponsor of **House Joint Resolution No. 1112.**

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 2364 and Senate Joint Resolution No. 1018.**

**THURSDAY, APRIL 29, 2004 -- 85TH LEGISLATIVE DAY**

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 1087 and Senate Joint Resolution No. 1017.**

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 1114 and 1115.**

On motion of Senator Williams, his name was added as sponsor of **House Joint Resolutions Nos. 1107, 1108, 1109 and 1110.**

On motion of Senator Clabough, his name was added as sponsor of **House Joint Resolution No. 1087.**

On motion of Senator Cohen, his name was added as sponsor of **Senate Resolution No. 200.**

On motion of Senator Kyle, his name was added as sponsor of **Senate Resolution No. 198.**

**ENGROSSED BILLS**

April 29, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 1306, 1340, 2242, 2346, 2365, 2764, 3120, 3226 and 3235; and Senate Joint Resolutions Nos. 71, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1050, 1051, 1052 and 1061; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

April 29, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 781, 1047, 2260, 2353, 2554, 2957, 3594, 3595 and 3596; passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 29, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1133; adopted, for the Senate's action.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 29, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 23, 2115, 2280, 2330, 2560, 3273 and 3305; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 29, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 985, 986, 987, 988, 989, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024 and 1025; concurred in by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**ENROLLED BILLS**

April 29, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 198, 199, 200, 201, 202 and 211; and Senate Joint Resolutions Nos. 985, 986, 987, 988, 989, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024 and 1025; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

April 28, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1082, 1083, 1085, 1086, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 28, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2323, 3083 and 3102; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

April 28, 2004

The Speaker announced that he had signed the following: House Bills Nos. 2323, 3083 and 3102.

**SIGNED**

April 29, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1082, 1083, 1085, 1086, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104.

**SIGNED**

April 29, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 198, 199, 200, 201, 202 and 211; and Senate Joint Resolutions Nos. 985, 986, 987, 988, 989, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024 and 1025.

**MESSAGE FROM THE HOUSE**

April 28, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 875, 2097, 2139, 2153, 2344, 2407, 2446, 2673, 2674, 2713, 2745, 3029, 3046, 3340, 3398, 3400, 3403, 3420 and 3458; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 30, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 985, 986, 987, 988, 989, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024 and 1025; signed by the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 28, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 875, 2097, 2139, 2153, 2344, 2407, 2446, 2673, 2674, 2713, 2745, 3029, 3046, 3340, 3398, 3400, 3403, 3420 and 3458; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

April 30, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 985, 986, 987, 988, 989, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024 and 1025; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

April 28, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 990, with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 30, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 2379, 2946, 3047, 3278, 3349 and 3459; and Senate Joint Resolutions Nos. 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965 and 966; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 3, 2004: House Joint Resolutions Nos. 1120, 1121, 1122, 1123, 1124 and 1125; and Senate Joint Resolutions Nos. 1026, 1027, 1028, 1029 and 1030.

This the 29th day of April, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 3, 2004: Senate Bills Nos. 1152, 1885, 2293, 2612, 2624, 2878, 3158, 3257, 3372 and 3399; Senate Joint Resolution No. 734; and House Joint Resolutions Nos. 816, 958, 966, 1026 and 1045.

This the 29th day of April, 2004.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, May 3, 2004: Senate Bills Nos. 3198, 3202, 2391, 3136 and 3336; House Bill No. 1249; Senate Bills Nos. 539, 823, 827, 990, 1042, 1550, 1600, 2078, 2089, 2122, 2152, 2423, 2474, 2638, 2644, 2658 and 2659; Senate Joint Resolution No. 1013; and Senate Bills Nos. 2092, 2409, 2846, 3392 and 3394.

This the 29th day of April, 2004.  
CROWE, Chairperson.

**SENATE  
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, May 3, 2004: Senate Bills Nos. 2260, 2314, 2329, 2524, 2596, 3228 and 3259.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, May 3, 2004, which motion prevailed by the following vote:

Ayes . . . . .	14
Noes . . . . .	9
Present, not voting . . .	2

Senators voting aye were: Atchley, Clabough, Crutchfield, Fowler, Graves, Harper, Haynes, Jackson, Kilby, Kurita, McLeary, Norris, Person and Southerland--14.

Senators voting no were: Bryson, Burchett, Burks, Cohen, Ketron, Kyle, McNally, Miller and Trail--9.

Senators present and not voting were: Cooper and Henry--2.